

## **REMARKS**

### **Reconsideration And Allowance Are Respectfully Requested.**

Claims 2, 9, 12-14, 16-18, 21, 26, 29-34 and 35 are currently pending. Claims 2, 9 and 26 have been amended. New claim 35 has been added. Claims 1, 3-8, 10, 15, 19, 20, 22-25, 27 and 28 have been canceled. No new matter has been added. Reconsideration is respectfully requested.

With regard to the outstanding rejections, claims 2, 9, 12-14, 16-18, 21, 26, 29-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,577,448 to Howorth (Howorth). Claims 2, 9, 12-14, 16-18, 21, 26, 29, 31 and 33 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,295,341 to Kajiwara (Kajiwara). Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Howorth or Kajiwara. In addition to the rejections based upon prior art, claim 2, 9, 12-14, 16, 17, 26 and 29-34 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20, 23, 24, 60 and 63-66 of co-pending U.S. Patent Application Serial No. 10/265,900. These rejections are respectfully traversed in view of the proceeding amendments and the remarks which follow.

With regard to the double patenting rejection, Applicant submits herewith a Terminal Disclaimer limiting the term of the present application in view of co-pending U.S. Patent Application Serial No. 10/265,900. It is believed the double patenting rejection is moot and Applicant respectfully requests that the rejection be withdrawn.

With regard to the rejections based upon prior art, Applicant has amended the claims in an attempt to define around the disclosures of Kajiwara and Howorth. In particular, independent

claims 2 and 9 have been amended so as to define that the edges extend about the entire flooring panel to define the periphery of the flooring panel and that the edges include identical profiles comprising grooves formed in the middle substrate along the edges wherein the identical profiles extend about the entire periphery of the flooring panel. In addition, these claims have further been amended to define that the outwardly tapering walls extend between the top portion and the bottom of the flooring panel so that the channel becomes wider as it extends from the top portion toward the bottom of the flooring panel.

These amendments are believed to place independent claims 2 and 9 beyond the scope of the disclosures found in either Howorth or Kajiwara. In particular, Howorth discloses a modular flooring system employing connecting members securing adjacent floor panels along their edges. As the present claims require that the claimed flooring panels include edges extending about the entire periphery of the flooring panel and the edges include grooves which also extend about the entire periphery of the flooring panel, Howorth is no longer believed to be relevant to independent claims 2 and 9. In particular, Howorth fails to disclose identical edge profiles extending about the entire periphery of the flooring panel. Howorth utilizes distinct profiles along the corners and intermediary sections of the flooring panels for securing the flooring panels in position. As such, it is Applicant's opinion that Howorth neither discloses nor suggests the claimed invention and Applicant respectfully requests that the rejections relating to independent claims 2 and 9 be withdrawn.

With regard to the disclosure of Kajiwara, Kajiwara discloses a snap together flooring system. The flooring system does not include an identical edge profile which extends about the periphery of the flooring panel. In addition, Kajiwara fails to disclose channels having tapered walls

which extend between the top portion and the bottom of the flooring panel. Rather, and as described in the outstanding Office Action, Kajiwara discloses tapered walls extending along the space between the top portion and the panel bottom but does not disclose tapered walls which fully extend between the top portion and the bottom of the flooring panel; that is, the walls disclosed by Kajiwara do not extend the entire distance between the top portion and the bottom of the flooring panel. As such, independent claims 2 and 9 are believed to overcome the disclosure of Kajiwara and Applicant respectfully requests that the rejection relating thereto be withdrawn.

As to those claims dependent upon independent claims 2 and 9, they are also believed to overcome Kajiwara and Howorth for the reasons presented above. Applicant, therefore, respectfully requests that these rejections also be withdrawn.

With regard to independent claim 26, it has been amended to define that the flooring panel includes first and second opposed ends and first and second opposed sides wherein the identical profiles include grooves defined by an upper wall, a lower wall and a side wall formed in the middle substrate along the edges of the flooring panels. The claim further requires that the identical profiles extend along the first and second sides or the first and second ends. As with claims 2 and 9, claim 26 has also been amended to define that the outwardly tapering walls of the channel extend between the top portion and the bottom of the flooring panel.

As discussed above, Kajiwara fails to disclose the provision of outwardly tapering walls extending between the top portion and the bottom of the flooring panel. In addition, neither Kajiwara nor Howorth disclose the claimed concept of identical grooves formed along either the first and second opposite sides or the first and second opposite ends wherein the grooves are defined by an upper wall, a lower wall and a side wall. It is Applicant's opinion that Claim 26

overcomes Howorth and Kajiwara, and Applicant respectfully requests that the rejections relating thereto be withdrawn. As to those claims dependent upon independent claim 26, they are also believed to overcome the prior art of record for the reasons presented above.

In addition to independent claims 2, 9 and 26, Applicant has added new claim 35. New claim 35 defines a multidirectional laminate flooring panel for use in constructing a floor. The flooring panel has at least first and second ends, the first and second ends being opposed, and at least first and second sides, the first and second sides being opposed. The respective first and second ends and the first and second sides meet to define corners of the flooring panel. The flooring panel further includes edges extending between the top and bottom surface and about the flooring panel to define the periphery of the flooring panel. The edges further have identical profiles which extend along the first and second sides or the first and second ends. In addition, the flooring panel includes channels along the bottom of the flooring panel wherein, the channels include a top portion having outwardly tapering walls extending between the top portion and the bottom of the flooring panel.

As discussed above, Kajiwara does not disclose outwardly tapering walls extending between the top portion and the bottom of the flooring panels. In addition, neither Howorth nor Kajiwara disclose a flooring panel having identical opposed edges in conjunction with channels formed along the bottom portion, wherein the ends and sides of the flooring panel meet to define corners of the flooring panel. As such, it is Applicant's opinion that new claim 35 also overcomes the prior art of record.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Howard N. Flaxman". The signature is fluid and cursive, with the first name "Howard" and last name "Flaxman" clearly distinguishable.

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